

## Article 2: Overlay Zones

### Division 2: Airport Approach Overlay Zone

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

#### §132.0201 Purpose of the Airport Approach Overlay Zone

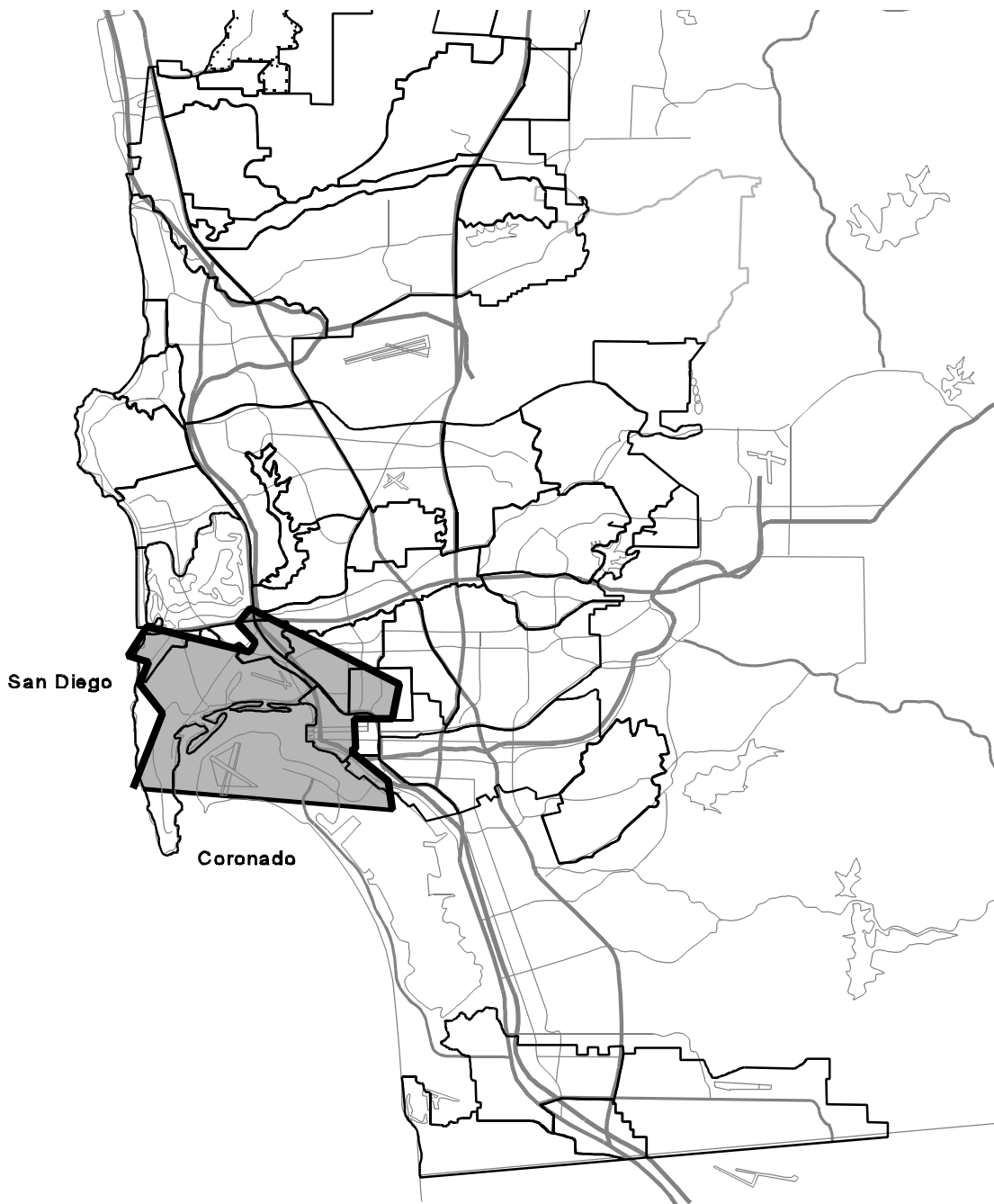
The purpose of the Airport Approach Overlay Zone is to provide supplemental regulations for the property surrounding the approach path for San Diego International Airport, Lindbergh Field. The intent of these regulations is to help ensure the following:

- (a) That the provisions of the Federal Aviation Act of 1958, as implemented through the Federal Aviation Administration (FAA) obstruction evaluation programs, are satisfied;
- (b) That the applicable provisions of California Public Utilities Code Section 21659, as administered by the California Department of Transportation (CALTRANS), are satisfied;
- (c) That the San Diego Unified Port District (Port District), as the proprietor of San Diego International Airport, Lindbergh Field, is provided the opportunity to participate in the evaluation process conducted by the FAA and CALTRANS; and
- (d) That minimum vertical buffers are provided between the FAA-established approach paths as identified on Map No. C-842 and *structures* constructed within the Airport Approach Overlay Zone.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

#### §132.0202 Where the Airport Approach Overlay Zone Applies

- (a) This overlay zone applies to property surrounding San Diego International Airport, Lindbergh Field that is located within the boundaries shown on Map No. C-842, filed in the office of the City Clerk as Document No. OO-17756. This property is shown generally on Diagram 132-02A.
- (b) Table 132-02A shows the sections that contain the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* in this overlay zone.



**DIAGRAM 132-02A**  
**Airport Approach Overlay Zone**  
This is a reproduction of Map C-842  
for illustration purposes only.



**Table 132-02A**  
**Airport Approach Overlay Zone Applicability**

Type of <i>Development</i> Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
(1) Interior modifications of existing <i>structures</i> that do not increase the height of the <i>structure</i>	None--Exempt from this division	No permit required by this division
(2) <i>Development</i> of <i>structures</i> that will not exceed 30 feet in height, except if the proposed <i>development</i> is located between Interstate 5, Ivy Street, Nutmeg Street, and Lindbergh Field	None--Exempt from this division	No permit required by this division
(3) Construction or alteration of any <i>structure</i> , or establishment of a new use that is not exempt under (1) or (2) of this table, and for which the FAA has issued a Determination of No Hazard	See Sections 132.0205-132.0208	No permit required by this division
(4) Construction or alteration of any <i>structure</i> , or establishment of a new use that is not exempt under (1) or (2) of this table, and for which the FAA has issued a Determination of Hazard	See Sections 132.0205-132.0209	No permit required by this division

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

#### **§132.0205 Supplemental Development Regulations--Airport Approach Path Buffer**

No *structure* shall be constructed or altered and no use shall be established that results in any permanent encroachment within 50 feet of the FAA-established approach paths as set forth in Drawing No. C-842. Proposed *structures* or uses that are 40 feet in height or less, measured from the grade of the property as established by Map No. C-842 or by the City Manager, shall not be limited by this section.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

#### **§132.0206 Notification Requirements**

Upon receipt of an application for a Building Permit or *development permit* that is subject to this overlay zone, the City Manager will provide a notice of the proposed permit to the FAA and the Port of San Diego.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

#### **§132.0207 Supplemental Regulations for an FAA Determination of No Hazard and Port District Concurrence**

The decision maker shall not issue a Building Permit or *development permit* within the Airport Approach Overlay Zone until the following have occurred:

- (a) The *applicant* has obtained and provided to the City Manager (1) a letter from the FAA stating that the proposed *development* does not require notice to the

FAA or (2) a Determination of No Hazard from the Air Traffic Division of the Western Pacific Regional Office of the FAA, stating that the proposed *development* has been determined not to be a hazard to air navigation and this determination has become final; and

- (b) The Port District has concurred with the FAA determination in one of the following ways:
  - (1) The City Manager has provided the Port District with a copy of the FAA determination and has received a response stating that the Port District is aware of the proposed *development* and that it concurs with the determination made by the Regional Office of the FAA; or
  - (2) The Port District has not responded within 40 calendar days from the date that the FAA determination was forwarded to the Port District. In this case, the decision maker will assume concurrence and may approve the Building Permit or *development permit*.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

#### **§132.0208 Supplemental Regulations for an FAA Determination of No Hazard and Port District Appeal**

If the Port District does not concur with the FAA determination as described in Section 132.0207, and the Port District has notified the City Manager that it does not concur with the FAA determination and has filed an appeal of the determination with the FAA, the decision maker shall not issue a Building Permit or *development permit* until the following have occurred:

- (a) The City Manager has received a letter of determination from the FAA National Headquarters Air Traffic Administrator stating that the proposed *development* does not constitute a hazard to air navigation and this determination has become final;
- (b) At least 60 calendar days have elapsed from the date on which the Air Traffic Administrator's determination became final; and
- (c) The proposed *development* complies with Section 132.0205.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

**§132.0209 Supplemental Regulations for an FAA Determination of Hazard**

- (a) If the FAA Regional Office or the National Headquarters issues a Determination of Hazard stating that the proposed construction will constitute a hazard to safe and efficient use of airspace, the *applicant* must obtain a permit from CALTRANS in accordance with California Public Utilities Code, Section 21659, before a Building Permit or a *development permit* can be issued. If CALTRANS issues the permit, the application for a Building Permit or *development permit* will be reviewed by the City Council. The City Manager shall provide the Port District with a copy of the Determination of Hazard and shall notify the Port District of the public hearing to review the permit application.
- (b) The City Council shall consider the following in its review of the permit application:
  - (1) Aeronautical studies conducted by the FAA that determine the effect of the proposal upon the operation of air navigation facilities and the safe and efficient use of the navigable airspace;
  - (2) Quantified analyses conducted by the Port District that provide technical and economic statistics of the effect the proposed construction will have on existing airport operations;
  - (3) Consistency with the purpose and intent of the Airport Approach Overlay Zone; and
  - (4) The public health, safety, and welfare of the residents and property in the City.
- (c) At the conclusion of the public hearing, the Building Permit or *development permit* may be approved, denied, or delayed as follows:
  - (1) *Development Permit Applications.* The City Council may approve or deny the permit or delay issuance of the permit until 120 calendar days following the conclusion of the hearing if the City Council finds that the delayed issuance is in the public interest, based on the information provided at the hearing. A Building Permit application for development that has been approved under a *development permit* issued in accordance with this division shall not be subject to an additional public hearing to determine compliance with this division.

- (2) Building Permit Applications. The Building Official may approve or deny the permit or delay issuance of the permit until 120 calendar days following the conclusion of the hearing if the City Council finds that the delayed issuance is in the public interest, based on the information provided at the hearing.

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